

# HOUSE BILL 396

E4

2lr1861  
CF SB 514

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By: **Delegates Serafini, Afzali, Aumann, Donoghue, Eckardt, Glass, McComas,  
Norman, Smigielski, and Stocksdale**

Introduced and read first time: February 1, 2012

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety – Law Enforcement Handgun Disposal – Deceased Officers**

3 FOR the purpose of authorizing a law enforcement agency to transfer the handgun of a  
4 law enforcement officer who is killed or dies in the performance of duty to  
5 ~~certain members of the deceased officer's family or to the deceased officer's~~  
6 ~~estate; authorizing a law enforcement agency to render the handgun of a~~  
7 ~~deceased officer inoperable before transfer~~ the next of kin of the deceased officer  
8 under certain circumstances; and generally relating to the disposal of handguns  
9 by law enforcement agencies.

10 BY repealing and reenacting, with amendments,  
11 Article – Public Safety  
12 Section 3–501  
13 Annotated Code of Maryland  
14 (2011 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Public Safety**

18 3–501.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this section, “manufacturer” has the meaning stated in § 5–131(a)(2) of  
2 this article.

3 (b) **[A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**  
4 law enforcement agency seeking to dispose of a handgun owned by the agency shall:

5 (1) destroy the handgun;

6 (2) sell, exchange, or transfer the handgun to another law enforcement  
7 agency for official use by that agency;

8 (3) sell the handgun to a retired police employee in accordance with §  
9 2–415(c) of this article;

10 (4) sell the handgun to the law enforcement officer to whom the  
11 handgun was assigned; or

12 (5) sell, exchange, or transfer the handgun to a manufacturer.

13 **(C) ~~(1)~~ IF A LAW ENFORCEMENT OFFICER IS KILLED OR DIES IN THE**  
14 **PERFORMANCE OF DUTY, A LAW ENFORCEMENT AGENCY MAY TRANSFER THE**  
15 **HANDGUN OF THE DECEASED OFFICER TO:**

16 ~~**(I) A MEMBER OF THE IMMEDIATE FAMILY OF THE**~~  
17 ~~**DECEASED OFFICER IF THE PERSON HAS A PERMIT TO CARRY, WEAR, OR**~~  
18 ~~**TRANSPORT A HANDGUN UNDER § 5–303 OF THIS ARTICLE; OR**~~

19 ~~**(II) THE ESTATE OF THE DECEASED OFFICER.**~~

20 ~~**(2) A LAW ENFORCEMENT AGENCY MAY RENDER THE HANDGUN**~~  
21 ~~**OF THE DECEASED OFFICER INOPERABLE BEFORE TRANSFERRING THE**~~  
22 ~~**HANDGUN TO THE NEXT OF KIN OF THE DECEASED OFFICER, IF THE**~~  
23 ~~**REQUIREMENTS OF TITLE 5, SUBTITLE 1 OF THIS ARTICLE RELATING TO**~~  
24 ~~**FIREARMS APPLICATIONS ARE MET.**~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2012.